

Appl. No. 10/777,988
Amdt. dated July 20, 2005
Reply to Office Action of April 20, 2005

REMARKS

Claims 1-16 are pending. Claims 12 and 13 have been rejected under 35 U.S.C. §112, second paragraph. Claims 1-11 and 14-16 have been rejected under 35 U.S.C. §102. Claims 12 and 13 have been rejected under 35 U.S.C. §103. Claims 15 and 16 have been objected to for reasons relating to claim formality. Claims 1, 3, 9, and 12-16 have been amended. Support for the amendment to claims 1, 3, 9, and 12-15 is found in paragraph 20 of the specification and in the Figures. Claims 1-16 remain for consideration upon entry of the present Amendment. No new matter has been added.

The Examiner has objected to claims 15 and 16 because of alleged various informalities and has required appropriate correction. In particular, claim 15 is objected to because of a punctuation error, and claim 16 is objected to as being of improper dependent claim form.

Applicants have reviewed the alleged informalities pointed out by the Examiner and have made the requested changes. With regard to claim 16, Applicants have amended that claim to properly depend from claim 15. Accordingly, Applicants respectfully request that the Examiner withdraw the objections to claims 15 and 16.

Claims 12 and 13 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. In particular, the Examiner alleges that in claim 12, the word "means" is not preceded by any words in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function, and that since no function is specified by the lack of words preceding "means," it is allegedly impossible to determine the equivalents of the element as required by 35 U.S.C. §112, sixth paragraph.

Claim 12 has been amended to recite the "means" as being a "communication means" in order to indicate that particular claim element as a means for performing a communication function. Thus, in view of the amendment, Applicants respectfully

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assert that claim 12 (and claim 13 which depends from claim 12) is definite within the meaning of 35 U.S.C. §112, second paragraph.

Claims 1-4, 6, 7, 9, 10, and 14-16 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,447,358 to Neuburger (hereinafter "Neuburger"). Claims 1 and 15 have been amended as indicated above.

Claim 1 of the present application, as amended, recites a razor including a shaving aid applicator having a razor body; reservoir means coupled to the razor body, the reservoir means defining an interior area adapted to retain a quantity of shaving aid therein; a finger-operated button actuator located on the razor body for selectively causing an amount of the shaving aid to flow out of the interior area upon movement between a non-dispensing position wherein the shaving aid is retained within the interior area and a dispensing position whereby a portion of the quantity of shaving aid flows from the interior area; and dispensing means for transferring the amount of shaving aid from the razor body onto a user's skin in response to movement of the actuator means to the dispensing position.

Claim 15 of the present application recites a method for applying a shaving aid to a user's skin during a shaving operation. The method comprises the steps of (1) providing a razor having a razor body, a razor cartridge having at least one razor blade mounted thereto, a reservoir containing a quantity of shaving aid therein coupled to the razor body, a finger-operated button actuator in communication with the reservoir for selectively causing an amount of the shaving aid to flow out of the reservoir upon movement of the actuator between a non-dispensing position wherein the shaving aid is retained within the interior area and a dispensing position wherein the shaving aid is allowed to flow out of the reservoir; and dispensing means for transferring the amount of shaving aid onto a user's skin in response to movement of the actuating means to said dispensing position; (2) drawing the razor and thereby the at least one razor blade across a user's skin in a first shaving direction; and (3) moving the actuator between the non-dispensing and the dispensing positions while the razor blade is drawn across the user's skin to selectively apply a quantity of the shaving aid onto the user's skin.

Neuburger is directed to fountain safety razors that utilize standard razor blades and that have chambers in which soap or soap solutions are maintained under pressure by pumping air into the chambers. One such razor includes a cylindrical

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barrel 10 having an extension 11 coaxially aligned with the barrel and depending therefrom. The barrel 10 is adapted to be filled with soap solution or some other type of shaving preparation through a side valve 12. (Column 1, lines 38-42.) A razor blade 20 is mounted on a post 35 that extends coaxially from the end of the barrel 10 opposite the extension 11. The razor blade 20 is held onto the post 35 via a holding piece 38 threadedly connected to the post such that the razor blade is firmly bent and held in place for shaving. (Column 2, lines 34-42.) The soap solution is delivered through two end nozzles 19 (column 1, lines 52-53) located on the barrel 10 behind the razor blade 20. The soap solution is deliverable through the two end nozzles 19 upon forcing a plunger 21 with a stem 22 extending out beyond the end of the extension 11 into the barrel 10. (Column 2, lines 3-8.)

Neuburger fails to disclose, teach, or suggest a razor having a finger-operated button actuator located on the razor body for selectively causing an amount of the shaving aid to flow out of the interior area defined by the reservoir body, as recited in claim 1. The finger-operated button actuator of the present invention is operable using only one hand, namely, the same hand used to hold the razor. The plunger-type device of Neuburger, on the other hand, can only be operated by grasping the barrel with one hand and pumping the plunger with the other hand. Accordingly, the finger-operated button actuator, as recited in amended claim 1, is patentably distinct from the plunger-type device of Neuburger.

Neuburger further fails to disclose, teach, or suggest a method of applying a shaving aid comprising the step of providing a razor having a finger-operated button actuator in communication with a reservoir for selectively causing an amount of shaving aid to flow out of the reservoir upon movement of the actuator between a non-dispensing position and a dispensing position, as recited in amended claim 15. As stated above, Neuburger discloses a plunger-type actuator and not a finger-operated button actuator as recited in claim 15. Because Neuburger fails to provide a razor having a finger-operated button actuator as recited in claim 15, Neuburger fails to disclose what Applicants claim. Accordingly, Applicants assert that the claimed method is patentably distinct from the subject matter disclosed in the Neuburger reference.

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To anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence from the reference of any claimed element negates anticipation. Because Neuburger fails to disclose, teach, or suggest a razor having a finger-operated button actuator located on a razor body of the razor, as in amended claim 1, claim 1 is not anticipated by the Neuburger reference. Furthermore, because Neuburger fails to disclose, teach, or suggest a method of applying a shaving aid comprising the step of providing a razor having a finger-operated button actuator in communication with a reservoir for selectively causing an amount of shaving aid to flow out of the reservoir upon movement of the actuator between a non-dispensing position and a dispensing position, as recited in amended claim 15, claim 15 is likewise not anticipated by the Neuburger reference. For at least these reasons, claims 1 and 15 are allowable, and Applicants respectfully request that the Examiner withdraw the rejections of claims 1 and 15.

Claims 1, 2, 7, and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,417,468 to Miyauchi (hereinafter "Miyauchi"). Claim 1 has been amended as indicated above.

The teachings of claim 1 are presented above.

Miyauchi is directed to a razor having a grip 3 that serves as a handle and that defines a refillable chamber for storing shaving liquid 4. A blade securing part 1, which also serves as a shaving liquid discharging part, is attached to one end of the handle. (Column 2, lines 28-33.) A discharge control part 2 is located intermediate the blade securing part 1 and the handle to control the discharge of the shaving liquid 4 from the chamber in the grip 3. The discharge control part 2 comprises a securing portion 13 of an intermediate member 8 having a threaded hole into which a securing screw 7 is screwed, a cylinder-shaped adjusting ring 14, and a rotating member 16 retained by a pin 15 secured to the adjusting ring and rotating and axially moving within a central liquid passage 10 connecting the chamber in the grip 3 and the shaving liquid discharging part. (Column 2, lines 49-57.) A valve 19 is positioned at the uppermost end of the chamber of the grip 3. (Column 2, lines 61-62.) To operate the razor, the adjusting ring 14 is turned so that the rotating member 16 is pushed down, thus opening the valve 19. (Column 3, lines 26-31.) Once opened, the shaving

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liquid 4 pressurizedly stored in the chamber of the grip 3 passes through the central liquid passage 10 and is discharged through a passage 11 in the blade securing part 1.

Miyauchi fails to disclose, teach, or suggest a razor having a finger-operated button actuator located on the razor body for selectively causing an amount of the shaving aid to flow out of the interior area defined by the reservoir body, as recited in claim 1. As stated above, Miyauchi discloses a discharge control part comprising a cylinder-shaped adjusting ring and a rotating member, whereas the invention recited in amended claim 1 recites a finger-operated button. A finger-operated button, as claimed, is not a cylinder-shaped adjusting ring that cooperates with a rotating member, as in Miyauchi. In fact, the finger-operated button operates by being pushed, which is by comparison far simpler than the Miyauchi device, in which the adjusting ring must be turned so that the rotating member can be pushed down to open the valve. Furthermore, the button actuator as recited in claim 1 is located on the razor body, whereas in the Miyauchi device the adjusting ring and rotating member is on the discharge control part located intermediate the handle and the blade securing part. Thus, the structure of the present invention as claimed is patentably distinct from the device disclosed by Miyauchi.

To anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence from the reference of any claimed element negates anticipation. Because Miyauchi fails to disclose, teach, or suggest a razor having a finger-operated button actuator located on a razor body of the razor, as in amended claim 1, claim 1 is not anticipated by the Miyauchi reference. For at least this reason, claim 1 is allowable, and Applicants respectfully request that the Examiner withdraw the rejection thereof.

Claims 1, 6, 7, and 14 have also been rejected under 35 U.S.C. §102(b) as being anticipated by Miyauchi. As stated above, claim 1 has been amended and is asserted to be allowable for the reasons previously presented.

Claims 1, 2, 7, 9, 11, 15, and 16 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,402,697 to Brooks (hereinafter "Brooks"). As stated above, claims 1 and 15 have been amended.

The teachings of claims 1 and 15 are presented above.

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Brooks is directed to a razor 10 capable of applying a depilatory agent therefrom. The razor 10 includes a handle 12 grippable by a user. A cutting head 14 is mounted to one end of the handle 12. The cutting head 14 includes a pair of cutting blades 16. (Column 3, lines 1-8.) The handle 12 defines a depilatory reservoir 20 having a diaphragm having an accordion-type squeeze structure 32. The user controls the application of the depilatory by squeezing the handle 12 to collapse the accordion structure 32, thereby forcing depilatory substance 22 to flow through a channel 24, into a manifold 26, into individual passages 28, and through ports 30. (Column 4, lines 7-14.)

Brooks also fails to disclose, teach, or suggest a razor having a finger-operated button actuator, as in amended claim 1. The finger-operated button actuator of the present invention, which is used to dispel shaving aid material as recited in amended claim 1, is not an accordion-type squeeze structure as disclosed in the Brooks reference. Accordingly, the finger-operated button actuator, as claimed, is patentably distinct from the accordion-type squeeze structure, as disclosed in Brooks.

Brooks also fails to disclose, teach, or suggest a method of applying a shaving aid comprising the step of providing a razor having a finger-operated button actuator in communication with a reservoir for selectively causing an amount of shaving aid to flow out of the reservoir upon movement of the actuator between a non-dispensing position and a dispensing position, as recited in amended claim 15. As stated above, Brooks discloses an accordion-type squeeze structure and not a finger-operated button actuator as recited in claim 15. Because Brooks fails to provide a razor having a finger-operated button actuator as recited in claim 15, Brooks fails to teach the invention recited in Applicants' claim 15. Accordingly, Applicants assert that the claimed method is patentably distinct from the subject matter disclosed in the Brooks reference.

As stated above, to anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence from the reference of any claimed element negates anticipation. Because Brooks fails to disclose, teach, or suggest a razor having a finger-operated button actuator, as in amended claim 1, claim 1 is not anticipated by the Brooks reference. Furthermore, because Brooks fails to disclose, teach, or suggest a method of applying a shaving aid

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comprising providing a razor having a finger-operated button actuator as recited in claim 15, Brooks further fails to disclose what Applicants claim in their amended claim 15. For at least these reasons, claims 1 and 15 are allowable, and Applicants respectfully request that the Examiner withdraw the rejections thereof.

Claims 1, 2, 5-7, 9, 10, 15, and 16 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2002/0023351 to Simms (hereinafter "Simms"). As stated above, claims 1 and 15 have been amended.

The teachings of claims 1 and 15 are provided above.

Simms is directed to a razor having a blade unit 1 detachably and pivotally mounted on a blade unit carrying structure 2. The blade unit carrying structure 2 is attached to a container 3. The blade unit 1 comprises a plastic frame 4 that defines an opening in which three blades 5 are mounted. In front of the sharpened edges of the blades 5 is a guard surface 6 defined by an element of elastomeric material having a close-packed array of pockets 8 open at the skin-contacting surface of the guard. (Paragraph 21.) The blade unit carrying structure 2 is pivotable relative to the container 3. (Paragraph 25.) The container 3 includes an outer rigid canister 15, in which is defined a fluid reservoir 21 formed within a bag 19 having a flexible wall that collapses as the contents of the bag are discharged. A neck at the upper end of the bag 19 is sealed to a valve housing 20, and the upper end of the valve housing is held by a resiliently compressible annular valve seat 22 held between a top wall 17 and the valve housing. A valve member 24 with a blind bore 25 has its closed end disposed within the valve housing 20, and a peripheral flange 26 on the valve member is normally biased into sealing engagement with the valve seat 22 by a spring 28. When the valve is closed, an enclosed space 23 defined between the canister 15 and the bag 19 contains a propellant gas. (Paragraph 23.) To operate the unit, the blade unit 1 is pressed against the skin so that the sealing engagement of the valve seat 22 and the peripheral flange 26 is interrupted, thereby opening the valve member 24, releasing the pressure in the enclosed space 23, and dispelling the contents of the bag 19.

Simms fails to disclose, teach, or suggest a razor having a finger-operated button actuator located on a razor body of the razor, as in amended claim 1. The finger-operated button actuator of the present invention, which is used to dispel

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shaving aid material as recited in amended claim 1, is not a valve member in which the sealing engagement of a valve seat and a flange is interrupted to allow for the release of pressurized gas to drive the shaving aid material, as in Simms. Furthermore, as claimed in the present invention, the actuator is located on the body of the razor and not, as in Simms, at a hinged joint that connects the blade unit to the shaving aid container.

Simms also fails to disclose, teach, or suggest a method of applying a shaving aid comprising the step of providing a razor having a finger-operated button actuator in communication with a reservoir for selectively causing an amount of shaving aid to flow out of the reservoir upon movement of the actuator between a non-dispensing position and a dispensing position, as is recited in amended claim 15. As stated above, Simms teaches a valve member having a valve seat and a flange that is interrupted by pressing the blade unit on the skin, thereby opening the valve to dispel the shaving aid. Providing a razor having a finger-operated button to dispense shaving aid material, as claimed, is patentably distinct from providing a razor in which a blade unit is pressed on the skin being shaved to interrupt the sealing engagement of valve components, as in Simms.

As stated above, to anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence from the reference of any claimed element negates anticipation. Because Simms fails to disclose, teach, or suggest a razor having a finger-operated button actuator located on a razor body of the razor, as in amended claim 1, claim 1 is not anticipated by the Simms reference. Furthermore, because Simms fails to disclose, teach, or suggest a method of applying a shaving aid comprising providing a razor having a finger-operated button actuator as recited in claim 15, Simms further fails to disclose what Applicants claim in their amended claim 15. For at least these reasons, claims 1 and 15 are allowable, and Applicants respectfully request that the Examiner withdraw the rejections thereof.

Dependent claims, by definition, further define the subject matter of the independent claims from which they depend. Because claims 2-11 and 14 depend from claim 1, claims 2-11 and 14 add recitations that further define the subject matter of independent claim 1. Because claim 1 is believed to be allowable for at least the

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reasons presented above, claims 2-11 and 14 are therefore also believed to be allowable. Consequently, Applicants respectfully request that the rejections of claims 2-11 and 14 be withdrawn. Furthermore, because claim 16 depends from claim 15, claim 16 adds recitations that further define the subject matter of independent claim 15. Because claim 15 is believed to be allowable for at least the reasons presented above, claim 16 is likewise believed to be allowable. Consequently, Applicants respectfully request that the Examiner withdraw the rejections of claim 16.

Claims 12 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Simms in view of Brooks. The Examiner alleges that Simms discloses everything as noted in the Office Action, but that it does not disclose distributing shaving aid between razor blades, and that Brooks does teach distributing shaving aid between razor blades. The Examiner then alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide distributing shaving aid between razor blades in Simms as taught by Brooks in order to increase the coverage of the shaving aid to the user's skin.

Claims that depend from a claim that is non-obvious are themselves necessarily non-obvious. Because claims 12 and 13 depend from claim 1, and because claim 1 is non-obvious, claims 12 and 13 are also necessarily non-obvious. Applicants, therefore, respectfully submit that claims 12 and 13 are allowable. Accordingly, Applicants respectfully request that the rejections of claims 12 and 13 be withdrawn.

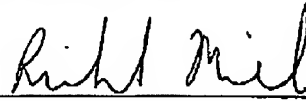
Applicants believe that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish Applicants' invention from those of the prior art and render Applicants' invention novel and non-obvious, Applicants respectfully request that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

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Applicants believe that no fees are due with the submission of this Amendment. If any charges are incurred with respect to this Amendment, they may be charged to Deposit Account No. 503342 maintained by Applicants' attorneys.

Respectfully submitted,

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